IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 18823 of 2004

Between:

M/s Balaji Decor (P) Ltd, rep. by its Director, Sri Kishorilal Choudhary S/o Sri Chandagi Lal Choudhary, Regd. Office at 235/1, Vellanki, Anandapuram Mandalam, Visakhapatnam 531 163

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Principal Secretary, Ministry of

Industries, Secretariat Buildings, Hyderabad.
2 Commissioner of Industries, Government of A.P. Hyderabad.
3 General Manager, District Industries Center. Visakhapatnam.
4 Commercial Tax Officer, Govt. of A.P., Chinna Waltair, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction particularly one in the nature of Mandamus declaring the inaction on the part of the respondents in granting Permanent Eligibility Certificate as illegal, arbitrary, contrary to the spirit and purport of Government's instructions in extending various Incentive Schemes to the SISI Units and consequently direct the third respondent herein to grant Permanent Eligibility Certificate by considering the representation dated 7-4-2004.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court at the admission stage made the following:

ORDER:

The petitioner claims to be an Industrial Unit carrying on the manufacturing activity in Plywood, Black board and doors etc. It is stated that under G.O.Ms.No.108, Industries & Commerce (IP) Department, dated 20.05.1996 and G.O.Ms.No.9, Industries and Commerce (IP) Department, dated 05.01.2001 certain incentives have been extended by the Government of Andhra Pradesh for the industrial units and that the petitioner unit is also eligible for grant of said incentives. The grievance of the petitioner is that though the petitioner made representations dated 25.04.2003 and 07.04.2004 requesting for the grant of said incentives, the respondents failed to consider the same so far. The petitioner states that as a matter of fact the third respondent, after inspecting the factory and verifying the records, submitted a detailed report to the second respondent on 05.02.2004.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Industries and Commerce appearing for the respondents, without expressing any opinion with regard to the entitlement of the petitioner for grant of the incentives in question, the writ petition is disposed of with a direction to the respondents to

consider the representations of the petitioner dated 25.04.2003 and 07.04.2004 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

13.10.2004

Note: Issue CC in two days

(b/o)

VGB

To

1 The Principal Secretary, Government of Andhra Pradesh, Ministry of

Industries, Secretariat Buildings, Hyderabad.
2 The Commissioner of Industries, Government of A.P. Hyderabad.
3 The General Manager, District Industries Center. Visakhapatnam.
4 The Commercial Tax Officer, Govt. of A.P., Chinna Waltair,

Visakhapatnam.

5 2CCs to the Government Pleader for Industries and Commerce, High

Court Buildings, Hyderabad (OUT)

6 2CD copies